



STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE

505 HUDSON STREET, HARTFORD, CONNECTICUT 06106
Testimony of Michelle Cruz, Esq., State Victim Advocate

Submitted to the Judiciary Committee

Monday, March 12, 2012

Michelle S. Cruz, Esq.
State Victim Advocate

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised Senate Bill No. 279, An Act Concerning Sentence Modification

The Office of the Victim Advocate (OVA) strongly opposes Raised Senate Bill No. 279. Sentence modification is an important tool available for defendants who want to challenge their sentence claiming that other offenders, with similar facts and circumstances, have received a less harsh sentence. Current law provides for a review in cases where a definite sentence of three years or less has been imposed or, with approval of the state's attorney, in cases where a definite sentence of more than three years has been imposed. Therefore there is already a viable process that allows a defendant to have their sentence reviewed and, if appropriate, modified. The proposal would allow for the review of *any* definite sentence imposed and would eliminate the need for approval of the state's attorney prior to the review of sentences involving more serious crimes. This proposal will undoubtedly create chaos within the Judicial Branch and open the flood gates for every sentence to be reviewed, even when the sentence was reasonable and the result of a knowing and voluntary plea agreement. There would be absolutely no reason for a defendant to not challenge the sentence.

More than 95% of criminal matters in Connecticut are resolved through the plea bargain process. This process requires a knowing and voluntary agreement by the defendant to plead guilty to some of the offenses charged, or a substitution of lesser charges, in exchange for a more favorable sentence. Defendants do not have to accept a plea bargain to resolve a criminal matter; defendants have a constitutional right to a trial and can choose to exercise that right. However, many defendants accept a plea bargain to take advantage of a reduced offer rather than risk exposure to a trial and face a harsher sentence. This proposal would allow an offender to again seek further modification through sentence review, even if the original sentence was reasonable, and even when the defendant already benefited from a reduction of charges and sentence through the plea offer.

Additionally, sentence modification should be limited to the review of sentences imposed on defendants that are disparate, not for previously negotiated pleas. **I strongly urge the Committee to reject Raised Senate Bill No. 279.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle S. Cruz".

Michelle Cruz, Esq.
State Victim Advocate